

ORDINANCE NO. 469

(As Amended by Ordinance Nos. 509, 559, 566, and 583)

(Repealing Ordinance No. 238)

ZONING ORDINANCE

CITY OF LODI .

Adopted November 19, 1952

SAN JOAQUIN COUNTY

CALIFORNIA

CITY OF LODI, CALIFORNIA

ZONING ORDINANCE NO. 469, AS AMENDED

1 Adopted November 19, 1952. as the Official Plan of
2 Land Use and as a Precised Portion of the Waster
3 Plans for the Physical Development of the City of
Lodi. California. Amended by Ordinance Numbers
509. 559. 566 and 583.

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ORDINANCE NO. 469

AN ORDINANCE TO REGULATE, RESTRICT AND SEGREGATE
THE LOCATION OF INDUSTRIES, BUSINESSES, TRADES ,
APARTMENTS , DWELLINGS AND OTHER SPECIFIED USES,
TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILD-
INGS HEREAFTER ERECTED; TO REGULATE AND DETERMINE
THE AREA OF YARDS AND OTHER OPEN SPACES; FOR SAID PUR-
POSES TO DIVIDE THE CITY INTO DISTRICTS; TO PROVIDE
FOR ENFORCEMENT AND PRESCRIBE PENALTIES FOR THE
VIOLATION OF ITS PROVISIONS; AND TO REPEAL ORDI-
NANCE NO. 238 AND ALL OTHER ORDINANCES OR PARTS
OF ORDINANCES IN CONFLICT HEREWITH IN SO FAR AS SUCH
CONFLICT MAY EXIST. (AS AMENDED BY ORDINANCE NOS.
509, 559, 566 , and 583.)

WHEREAS, The City Council of the City of Lodi, California,
deems it necessary in order to secure safety from fire and other
dangers; to promote the public health and welfare ; to secure
provision for adequate light and air and reasonable access;
to conserve the value of property and encourage the most
appropriate use of land throughout the city in accordance with
a comprehensive plan,
THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI DOES ORDAIN AS
FOLLOWS :

SECTION 1. TITLE

This ordinance shall be known as the "Zoning Ordinance,"
may be cited as such, will be referred to hereinafter as "this
Ordinance," and sections or portions hereinafter referred to
shall refer to sections or portions of this Ordinance.

SECTION 2. DISTRICT MAP

There is hereby adopted and established an Official District
Map of the City of Lodi designated as Exhibit "A" to this Or-
dinance and made a part thereof, the said Map and Ordinance

being adopted ~~for~~ the general purpose set forth hereinabove.

SECTION 3. DEFINITIONS

1 For the purpose of this Ordinance certain terms, phrases
2 and words are defined as follows: Words used in the singular
3 number include the plural and vice-versa: words used in the
4 present tense include the future tense; the word "lot" includes
5 the word "plot"; the word "building" includes the word "structure";
6 the word "shall" is mandatory and not directory; the word
7 "occupied" includes the words "arranged or designed for" or
8 "intended to be occupied"; the term "City Council" means the
9 City Council of the City of Lodi, and the word "Planning Com-
10 mission" means the City Planning Commission of Lodi.

11 SECTION 3.1. ACCESSORY BUILDING OH USE: A building, part
12 of a building, or a use which is subordinate to, and the uses
13 which are conducted therein are incidental to, those of the main
14 building or use on the same lot,

15 SECTION 3.2. ALLEY: Any public thoroughfare for the use
16 of pedestrians and/or vehicles which affords typically a sec-
17 ondary means of access to abutting property.

18 SECTION 3.3. APARTMENT: A room or suite of two or more
19 rooms in an apartment house or dwelling which is occupied by
20 one family doing its cooking on the premises. For APARTMENT
21 HOUSE see DWELLING, MULTIPLE.

22 SECTION 3.4. AUTOMOBILE CAMP: Land or premises occupied
23 by campers or tourists traveling by automobile or otherwise,
24 or by trailer, tents, or moveable or temporary dwellings, rooms,
25 or sleeping quarters of any kind, including trailer camps or
26 courts.

27 SECTION 3.5. AUTOMOBILE COURT: A group of attached or
28 detached buildings containing individual sleeping or living
29 units, occupied temporarily by automobile tourists or transients,
30 with garage attached or parking space conveniently located for
31 each unit, including tourist courts or motels.

32

SECTION 3.6. AUTOMOBILE WRECKING: See Junk Yard.

SECTION 3.7. BASEMENT: A story partly underground and having at least one-half of its height above grade. A basement shall be counted as a story if the vertical distance from grade to the ceiling is over six (6) feet or if used for business purposes, or for dwelling purposes by other than a janitor or domestic servants, including the family of the same.

SECTION 3.8. BLOCK: That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting streets and railroad right-of-way or waterway or unsubdivided acreage.

SECTION 3.9. BOARDING HOUSE: A building other than a hotel, containing not more than five (5) sleeping rooms, where lodging and meals for five (5) or more persons are provided for compensation.

SECTION 3.10. BUILDING: Any structure for support, shelter or enclosure of persons, animals, chattels or property of any kind.

SECTION 3.11. BUILDING, HEIGHT OF: The vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a sloping roof.

SECTION 3.12. BUILDING, MAIN: A building in which is conducted the principal use of the lot upon which it is situated. In any Residence District any dwelling shall be deemed to be the main building upon the lot.

SECTION 3.13. BUILDING SITE: A lot or lots under one ownership, or such land area as may be required herein for building purposes,

SECTION 3.14. BUSINESS OR COMMERCE: The purchase, sale, or other transaction involving the handling or disposition of

any article, substance or commodity or service for profit or livelihood, including office buildings, offices, recreational or amusement enterprises.

1 SECTION 3.15. BUNGALOW COURT: See Dwelling Group.

2 SECTION 3.16. CELLAR: A story wholly or partly under-
3 ground and having more than one-half ($\frac{1}{2}$) of its height below
4 grade. A cellar shall be counted as a story if the vertical
5 distance from grade to the ceiling is over six (6) feet,
6

7 SECTION 3.17. CLUB: An association of persons for some
8 common non-profit purpose, but not including groups organized
9 primarily to render a service which is customarily carried on
10 as a business.

11 SECTION 3.18. COURT: An open, unoccupied place or space,
12 other than a yard on the same lot with a building or buildings
13 and which is bounded on one (1) or more sides by such building
14 or buildings, including the open space in a bungalow court or
15 court apartment providing access to the units thereof.

16 SECTION 3.19. DWELLING, ONE-FAMILY: A detached building
17 occupied by one family exclusively.

18 SECTION 3.20. DWELLING, TWO-FAMILY: A building occupied
19 by two families exclusively, living independently of each other.

20 SECTION 3.21. DWELLING, MULTIPLE: A building or portion
21 thereof occupied as a residence by three (3) or more families
22 living independently of each other, including apartment build-
23 ings.

24 SECTION 3.22. DWELLING GROUP: A group of two or more de-
25 tached or semi-detached one-family, two-family or multiple
26 family dwellings occupying a parcel of land in one ownership
27 and having any yard or court in common, including bungalow
28 courts and apartment courts, but not including automobile camps.

29 SECTION 3.23. FAMILY: One or more persons occupying a
30 premises and living as a single housekeeping unit, as distinguished

from a group occupying a boarding house, lodging house, or hotel, as herein defined. A family shall be deemed to include the necessary servants.

1 SECTION 3.24. GARAGE, PRIVATE: A detached accessory
2 building or portion of a main building for the parking or tem-
3 porary storage of automobiles of the occupants of the premises.

4 SECTION 3.25. GARAGE, PUBLIC: A building other than a
5 private garage used for the care, repair or equipment of auto-
6 mobiles, or where such vehicles are parked or stored for re-
7 munerat~~on~~, hire or sale.

8 SECTION 3.26. GUEST HOUSE: Living quarters within a
9 detached accessory building located on the same premises with
10 the main building, for the use by temporary guests or servants
11 of the occupants thereof; such quarters have no kitchen facili-
12 ties and not rented or otherwise used as a separate dwelling.

13 SECTION 3.27. HOME OCCUPATION: Any use customarily con-
14 ducted entirely within a dwelling and carried on only by the
15 inhabitants thereof, without assistants, which use is clearly
16 incidental to the use of the premises and building far dwelling
17 purposes and does not change the character thereof. Clinics,
18 hospitals, barber shops, beauty parlors, real estate offices
19 and animal hospitals shall not be deemed to be home occupations.

20 SECTION 3.28. HOTEL: A building occupied as the more or
21 less temporary abiding place of individuals who are lodged
22 with or without meals and in which there are more than five
23 (5) sleeping rooms usually occupied singly and no provision
24 is made for cooking in any individual room or suite.

25 SECTION 3.29. INDUSTRY: The storage, repair, manufacture,
26 preparation or treatment of any article, substance, or commodity
27 whatsoever, including the operation of stables.

28 SECTION 3.30. JUNK YARD: The use of more than two hun-
29 dred (200) square feet of the area of any lot or of any portion
30

of the front half of any lot for the storage of junk, including scrap metals *or* other scrap material, and/or for the dismantling *or* "wrecking" of automobiles *or* other vehicles *or* machinery.

1 SECTION 3.31. LOT: Land occupied by a building and its
2 accessory buildings, or by a dwelling group and its accessory
3 buildings, together with such open spaces *as* are required
4 under the provisions of this Ordinance, having not less than
5 the ~~minimum~~ building-site area as required in the several
6 districts, and having its principal frontage on a street.

7 SECTION 3.32. LOT OF RECORD: A parcel of land held in
8 separate ownership as shown on the County Assessor's records
9 at the time of the passage of this Ordinance.

10 SECTION 3.33. LOTS, TYPES OF: A CORNER LOT *is* a lot not
11 greater than one hundred (100) feet in width and located at the
12 junction of two *or* more streets. A REVERSED CORNER LOT is a
13 corner lot which rears upon the side of another lot, whether
14 across an alley *dr* not. All other lots are INTERIOR LOTS.
15 A THROUGH LOT is a lot, interior *or* corner, having frontage
16 upon two parallel *or* approximately parallel streets.

17 SECTION 3.34. LOT AREA: The total horizontal. area in-
18 cluded within lot lines, including one half, but not exceeding
19 ten feet of the width of any alley or portion thereof abutting
20 upon such lot. The terns "lot width" and "lot depth" shall
21 mean the average horizontal distances measured between the side
22 lines of the lot, or *from* the front lot line to the rear lot
23 line, as the case may be. Lot lines are the lines abounding
24 a lot as herein defined; provided that in case of doubt the
25 front, side and rear lot lines shall be determined by the
26 Planning Commission.

27 SECTION 3.35. NON-CONFORMING BUILDING: A building or
28 portion thereof lawfully existing at the *time* of the passage
29 of this Ordinance, which was designed, erected or structurally
30 altered for a use which does not conform to the *use* regulations
31 of the district in which *it* is located, or a building which
32

*clearly
word
meaning*

does not conform to all the height or area regulations of the district in which it is located.

SECTION 3.36. NON-CONFORMING USE: A use which lawfully occupied a building or existed on premises at the time of the passage of this Ordinance and which does not conform to the use regulations of the district in which it is located.

SECTION 3.37. STABLE: A PRIVATE STABLE is an accessory building in which not more than three (3) horses are kept. A stable with a capacity of more than three (3) horses shall be considered as a PUBLIC STABLE.

SECTION 3.38. STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or the ceiling next above it, if there be no floor. A HALF STORY is a story with at least two opposite exterior sides meeting a sloping roof not more than two feet above such floor.

SECTION 3.39. STREET: A public or private thoroughfare more than twenty (20) feet wide, dedicated as such or condemned for use as such, which affords the principal means of access to abutting property. A STREET LINE is the boundary line between the street and abutting property.

SECTION 3.40. STRUCTURE: Anything constructed or erected and the use of which requires permanent location on the ground, but not including walls, or fences less than six feet high, or pergolas, or lath houses or other minor improvements.

SECTION 3.41. STRUCTURAL ALTERATIONS: Any change tending to prolong the life of the supporting members of a building, such as bearing walls, columns, beams or girders.

SECTION 3.42. TRAILER: A vehicle without motive power, designed to be drawn by a motor vehicle and used for human habitation or carrying persons.

SECTION 3.43. **USE:** The purpose for which premises **or** a building thereon is designed, arranged **or** intended, or **for** which it is **or** may be occupied or maintained. Any agricultural use of premises in any Residence District shall be deemed to be a use which is accessory to the use of the said premises **for** residence purposes.

SECTION 3.44. **YARDS:** Open spaces on the same lot with a building and open and unobstructed **from** the ground upward, except as otherwise herein provided. **A FRONT YARD** is a yard extending across the front of the lot between the inner side yard lines and measured between the front lot line and either (a) the nearest line of the main building, **or** (b) the nearest line of an enclosed or covered porch. **A SIDE YARD** is a yard between the building and the side lot line and extending **from** the street line to the rear yard and having a width equal to the shortest distance between the building and the side lot line. **A REAR YARD** is a required yard extending along the rear lot line (not a street line) throughout the entire width of the lot.

SECTION 4. DISTRICTS - BOUNDARIES

In order to classify, regulate, restrict and segregate the use of land and buildings, and to regulate and restrict the height and bulk of buildings, and to regulate the area of yards, courts and other open spaces about buildings, certain districts are hereby established and certain general regulations are hereby adopted pertaining thereto.

SECTION 4.1. **DISTRICTS:** The City of Lodi is hereby divided into districts to be known as follows:

R-1 RESIDENCE DISTRICT - ONE FAMILY

R-2 RESIDENCE DISTRICT - ONE FAMILY (Smaller lots).

R-3 RESIDENCE DISTRICT - LIMITED MULTIPLE FAMILY.

R-4 RESIDENCE DISTRICT - MULTIPLE-FAMILY-INSTITUTIONAL

C-1 COMMERCIAL DISTRICT - NEIGHBORHOOD

C-2 COMMERCIAL DISTRICT - GENERAL & CENTRAL

M INDUSTRIAL DISTRICT

The above listed classifications and districts and the boundaries thereof are delineated upon the aforesaid District Map of the City of Lodi attached and endorsed as Exhibit "A" hereto and made a part hereof. All the regulations of this Ordinance with respect to the several district delineated thereon, together with all references and information shown thereon, are hereby established and declared to be in effect upon all lands included within the boundaries of the several districts delineated upon said District Map.

SECTION 4.2. ANNEXED TERRITORY: In the event that any territory is hereafter annexed to the City of Lodi the said territory shall, as of the effective date of such annexation, be automatically added to the aforesaid District Map, and be classed as lying either in the most restrictive Residence District or in such other appropriate District or Districts as may be determined by official action of the City Council to become effective coincident with the effective date of such annexation, until such classification shall be thereafter changed and amended under the procedure hereinafter provided.

SECTION 4.3. BOUNDARIES OF DISTRICTS: Where uncertainty exists as to the boundaries of any district on said map, the following rules shall govern:

(a) Where such boundaries are indicated as approximately following street or alley lines, such lines shall be construed to be such boundaries.

(b) In the case of unsubdivided property and where a district boundary divides a parcel of property in one ownership,

the locations of such boundaries shall be determined from the scale appearing on the map.

(c) Where a public street ~~or~~ alley is officially vacated, the regulations of abutting properties shall apply to such vacated street or alley after being added to said properties.

(d) In case of further uncertainty the Planning Commission shall determine the location of such boundaries.

SECTION 4.4. GENERAL REGULATIONS OF DISTRICT: Except as otherwise hereinafter provided, the following shall apply to any district established by this Ordinance:

(a) No building shall hereafter be erected, nor shall any existing building be moved into, reconstructed, structurally altered, *or* enlarged, nor shall any land, building or premises be used for, *or* designed to be used for, such purpose, or erected or placed in such manner, as to be contrary to any of the use, height, building-site, area, or other regulations hereinafter specified for the district in which such land, building or premises are located.

(b) No required yard ~~or~~ open space provided about any building shall be considered as providing a yard or open space for any other building on the same lot or on the adjoining lot.

(c) Every building hereafter erected shall be located on a lot ~~as~~ herein defined, and in no case ~~shall~~ there be more than one main residential building on a lot, except that a unit group of dwellings or court apartments may be considered as one main residential building, and except as otherwise hereinafter provided.

SECTION 5. R-1 RESIDENCE DISTRICT - ONE FAMILY

The following regulations shall govern except as otherwise provided in Section 12 herein.

SECTION 5.1. USES PERMITTED:

1. One Family Dwellings

2. Farming and Gardening.

3. Any of the following uses subject to the securing of a use permit in each case: Schools, Parks, Playgrounds, Community Centers, Churches, Museums or Libraries or similar institutional buildings of a non-profit nature.

4. Accessory Buildings on the same lot with any of the above uses, including one private garage, such accessory buildings being subject to the regulations provided in the General Provisions and Exceptions. No lot in this district shall be used solely for such accessory buildings.

5. Home Occupations of a personal service nature, as herein defined, when conducted within a dwelling with only ordinary home facilities and/or equipment, and with no assistants employed. Offices of practitioners of the healing arts shall not be deemed to be home occupations permitted in this district. Exterior signs shall not exceed two (2) square feet in area, shall be non-illuminated and placed flat against the building. Not more than one home occupation shall be permitted in a particular dwelling except after securing a use permit.

SECTION 5.2. HEIGHT AND AREA:

1. Building-Height Limit: Two (2) stories, and not to exceed 35 feet.

2. Building-Site Area Required: The minimum lot area for each one-family dwelling and its accessory buildings shall be 6500 square feet with a lot width of at least 60 feet, provided these limits shall not be deemed to prevent the erection of a dwelling on "lots of record" of less than these dimensions. In no case shall there be more than one (1) dwelling on any one lot.

SECTION 5.3. MINIMUM YARDS:

1. Front Yard: Not less than twenty (20) feet to the front line of the main building and not less than twelve (12)

feet to the front line of the uncovered porch or paved terrace.
See General Provisions and Exceptions for cases where at least
forty (40) per cent of a block is developed with buildings.

(Amended 6/6/56, Ord. 559)

2. Side Yard: A minimum of five (5) feet except that for
corner lots the side yard on the street side shall be increased
to a minimum of ten (10) feet unless paragraph 5, Section 12.4
applies. (Amended 9/5/56, Ord. 566)

3. Rear Yard: The depth of the rear yard shall be not
less than ten (10) feet for lots of one hundred (100) feet or
less in depth, and not less than fifteen (15) feet for lots of
greater depth, except that for corner or reversed corner lots
the rear yard may be reduced to seven and one-half (7½) feet,
or to a minimum of five (5) feet when the lot rears upon an
alley.

4. Land Coverage: The above minimum yards shall be in-
creased where necessary so that in no case shall the maximum
coverage of the main building and its accessory buildings exceed
forty (40) per cent of the area of the building-site.

SECTION 5.4. CHANGE TO R-2 DISTRICT BY ADJUSTMENT:

1. When the ownership of acreage property located in an
R-1 District records a subdivision map of said property for
residential development after approvals by the Planning Com-
mission, and if the lots in the said subdivision meet the re-
quirements of the R-2, but not the R-1 District as to building-
site areas, the blocks in the said subdivision may be changed
to an R-2 District as an adjustment under the provisions of
Section 14. The said adjustment may be initiated either by the
owner of the said subdivision or by the Planning Commission.

SECTION 6. R-2 RESIDENCE DISTRICT - ONE FAMILY

The following regulations shall govern except as otherwise
provided in Section 12 herein.

SECTION 6.1. USES PERMITTED :

1. All uses permitted in the R-1 District as provided in Section 5.1, with the same regulations applicable thereto, except as hereinafter provided.

2. Two-Family Dwellings on corner lots or on lots siding against a Commercial or Industrial District, provided such lots are at least 6,000 square feet in area and sixty (60) feet in width.

SECTION 6.2. HEIGHT AND AREA:

1. Building-Height Limit: Same as in the R-1 District as provided in Section 5.2.

2. Building-Site Area Required: The minimum lot area for each one-family dwelling and its accessory buildings shall be 5,000 square feet with a lot width of at least 50 feet, provided these limits shall not be deemed to prevent the erection of a dwelling on "lots of record" of less than these dimensions. In no case shall there be more than one (1) dwelling on any one lot.

SECTION 6.3. MINIMUM YARDS :

1. Front Yard: Same as in the R-1 District as provided in Section 5.3.

2. Side Yard: Same as in the R-1 District as provided in Section 5.3. (Amended 9/5/56, Ord. 566)

3. Rear Yard: Same as in the R-1 District as provided in Section 5.3.

4. Land Coverage: Same as in the R-1 District as provided in Section 5.3.

SECTION 7. R-3 RESIDENCE DISTRICT -

LIMITED MULTIPLE FAMILY

The following regulations shall govern except as otherwise provided in Section 12 herein.

SECTION 7.1. USES PERMITTED:

1. All uses permitted in the R-2 District as provided in Section 6.1, with the same regulations applicable thereto, except that the uses listed under Section 5.1 paragraph 3 shall be permitted without the requirement for securing a use permit, and except as hereinafter provided.

2. Multiple-Family Dwellings and Dwelling Groups with a maximum of four (4) families on a lot of minimum width, and subject to the area limitations hereinafter prescribed.

3. Private Schools and Nurseries (not plant).

4. The following additional uses subject to securing a use permit in each case:

(a) Offices of Practitioners of the Healing Arts licensed under laws of the State of California, provided that: (1) There shall be not more than two (2) such practitioners in any one building; (2) Signs shall be limited as for home occupations; and (3) Such offices shall not be located in any building containing living quarters for occupancy by persons other than the practitioners or their families or employees.

(b) Rest Homes and State Certified Family Plan Homes with a capacity for not more than five (5) persons to be admitted as guests or boarders.

(c) Beauty Parlors with a maximum of two (2) operators.

SECTION 7.2. HEIGHT AND AREA:

1. Building-Height Limit: Same as in the R-1 District as provided in Section 5.2.

2. Building-Site Area Required: For the various types of buildings permitted the provisions shall be as follows:

(a) For One Family Dwellings: A minimum of 4,000 square feet and forty (40) feet in width for each main building and its accessory buildings.

(b) For Multiple-Family or Group Dwellings: A minimum of 3,000 square feet per family in lot area with a width of fifty (50) feet for each such building or dwelling group and its accessory buildings.

SECTION 7.3. MINIMUM YARDS:

1. Front Yard: Not less than fifteen (15) feet to the front line of the main building and not less than seven (7) feet to the front line of an uncovered porch or paved terrace, except that any car port or garage must be set back not less than twenty (20) feet. See General Provisions and Exceptions for cases where at least forty (40) per cent of a block is developed with buildings. (Amended 6/6/56, Ord. 559)

2. Side Yard: A minimum of four (4) feet except that for corner lots the side yard on the street side shall be increased to a minimum of eight feet unless paragraph 5, Section 12.4 applies, (Amended 9/5/56, Ord. 566)

3. Rear Yard: The depth of the rear yard shall not be less than ten (10) feet for lots of one hundred (100) feet or less in depth, except as provided in Section 5.3 for corner or reversed corner lots.

4. Land Coverage: The above minimum yards shall be increased where necessary such that in no case shall the maximum coverage of the main building and its accessory buildings exceed fifty (50) per cent of the area of the building-site.

SECTION 8. R-4 RESIDENCE DISTRICT -

MULTIPLE FAMILY - INSTITUTIONAL

The following regulations shall govern except as otherwise provided in Section 12 herein.

SECTION 8.1. USES PERMITTED:

1. All uses permitted in the R-3 District with the same regulations applicable thereto, except as hereinafter provided.

2. Offices of Practitioners of the Healing Arts under the regulations of the R-3 District, except that the number of practitioners in one building may be increased to a maximum of four (4).

3. Multiple family dwellings, bungalow courts, and dwelling groups.

4. Hotels, boarding and lodging houses; with incidental business permitted therein for the sole convenience of the occupants of the building.

5. Private clubs, lodges, fraternities and sororities, community centers, except those organizations the chief activity of which is a service customarily conducted as a business.

6. Institutions of an educational or philanthropic nature.

7. Nurseries and greenhouses for the propagating and cultivating of plants.

8. Accessory buildings and uses located on the same lot and not involving the conduct of a business, including garage or parking space as provided hereinafter.

9. The following uses subject to the securing of a use permit in each case: Automobile Camps or Courts; Storage Garage or open air parking space; Hospitals, rest homes, sanitariums, clinics, and other buildings for the treatment of human ailments except mental disorders; Tea Rooms; Barber Shops or Beauty Parlors.

SECTION 8.2. HEIGHT AND AREA:

1. Building-Height Limit: Four (4) stories, and not to exceed sixty (60) feet.

2. Building-Site Area Required: For the various types of buildings permitted the provisions shall be as follows:

(a) For one-family dwellings the minimum lot size shall be at least 2,800 square feet.

(b) For two to four-family dwellings the minimum lot size shall be at least 1,600 square feet per family.

(c) For multiple-family dwellings containing in excess of four families, or for dwelling groups the minimum lot size per family shall be at least 800 square feet per family, except that for apartments of two (2) rooms or less the lot size per family for such apartments may be reduced to 400 square feet.

(d) For other permitted types of buildings the minimum lot size shall be sufficient to provide the yard areas and parking spaces hereinafter specified for the several types of buildings.

SECTION 8.3. MINIMUM YARDS

1. Front Yard: Not less than fifteen (15) feet to the front line of the main building or covered porch. See General Provisions and Exceptions for cases where at least forty (40) per cent of a block is developed with buildings.

2. Side Yard: Same as in the R-3 District as provided in Section 7.3 except that when a building exceeds two (2) stories in height an additional two (2) feet shall be required for a side yard for each story in excess of two (2) stories. (Amended 9/5/56, Ord. 566)

3. Rear Yard: The depth of the rear yard shall be not less than ten (10) feet, except that when the lot rears upon an alley the said yard may be reduced to not less than five (5) feet. See Section 12.4 for corner or reversed corner lots.

4. Land Coverage: The above minimum yards shall be increased where necessary such that in no case shall the maximum coverage of the main building and its accessory buildings exceed sixty (60) per cent of the area of the building-site.

SECTION 9. C-1 COMMERCIAL DISTRICT - NEIGHBORHOOD

The following regulations shall govern except as otherwise provided in Section 12 herein.

SECTION 9.1. USES PERMITTED:

1. All uses permitted in the R-4 District with the same regulations applicable thereto, except as hereinafter provided.

2. Any retail business, trade, commercial enterprise or professional and business office use, undertaken for the purpose of rendering neighborhood service, but excluding other businesses of such character as are permitted in the C-2 Commercial District or excluded therefrom.

3. The general type and character of business uses permitted herein and hereafter in Section 10 for the C-2 Commercial District shall by subsequent action be supplemented and amplified by a list of specific businesses and enterprises of types comparable to the general type and character of business uses herein set forth, which list shall be adopted by a resolution of the Planning Commission and the City Council as their interpretation of the meaning of this portion of this Ordinance. Thereafter the said list shall be attached to and made a part of the use regulations of the C-1 and C-2 Commercial Districts.

SECTION 9.2. HEIGHT AND AREA:

1. Building-Height Limit: Two (2) stories, and not to exceed thirty-five (35) feet.

2. Building-Site Area Required: For dwellings the provisions shall be the same as in the R-3 Residence District; for other permitted types of buildings the minimum lot size shall be sufficient to provide the yard areas and parking spaces hereinafter specified for the several types of buildings.

SECTION 9.3. MINIMUM YARDS:

1. For dwellings the provisions for the C-1 District shall be the same as in the R-3 Residence District as provided in Section 7.3 herein. For all other permitted types of buildings the yard provisions of Section 10.3 hereinafter shall apply. Such minimum yards shall be increased where necessary to provide for the off-street parking space as required by the provisions of Section 12 hereinafter.

SECTION 10. C-2 COMMERCIAL DISTRICT -

GENERAL & CENTRAL

1 The following regulations shall govern except as otherwise
2 provided in Section 12 herein.

3 SECTION 10.1. USES PERMITTED

4 1. All uses permitted in the C-1 District with any require-
5 ments for use permits removed.

6 2. Any other business or commercial use, but excluding
7 industrial uses, except that certain uses are either subject
8 to securing a use permit or are specifically excluded. See
9 section 9.1, paragraph 3, for provisions for a list of specific
10 uses to be permitted in the C-2 District or to be excluded
✓ 11 therefrom as the said list shall be adopted by subsequent
12 action.

13 SECTION 10.2 HEIGHT AND AREA:

14 1. Building-Height Limit: The maximum height limits
15 permitted shall be the same as those permitted in the Residence
16 Districts which are immediately adjacent to the C-2 District,
17 either on the same block or adjacent thereto, except that in
18 the Central Business Area as delineated on the District Map
19 the height limit shall be increased to six (6) stories or
20 seventy-five (75) feet.

21 2. Building-Site Area Required: For Dwellings the pro-
22 visions shall be the same as in the R-4 Residence District;
23 for other permitted types of buildings the minimum lot size
24 shall be sufficient to provide the yard areas and parking
25 spaces hereinafter specified for the several types of buildings.

26 SECTION 10.3. MINIMUM YARDS:

27 1. For dwellings the provisions for the C-2 District shall
28 be the same as in the R-4 Residence District. For all other
29 permitted types of buildings the minimum yards shall be as set
30 forth hereinafter, except as required to be increased where
31 necessary for off-street parking space.

2. Front Yard: No front yard shall be required except under the following conditions:

(a) Where the frontage of a block on one side of a street is located partly in a Residence District and partly in a C-2 District, the front yard requirement of the former shall apply to the latter,

(b) When an official plan has been adopted establishing a setback or building line for any block or series of blocks on one or both sides of a street, the front yard required shall be deemed to be the distance from the street line to the said building line.

3. Side Yard: No side yard shall be required except under the following conditions:

(a) When a lot in a C-2 District sides upon a lot in any Residence District, the side yard on that side shall be at least four (4) feet. A side yard if provided shall be at least four (4) feet in any case.

(b) When a reversed corner lot in the C-2 District rears upon a lot in a Residence District, the side yard requirements of the street side for the lot in the C-2 District shall be the same as for the Residence District.

4. Rear Yard: The rear yard requirements shall be the same as in the R-4 Residence District, except that no rear yard is required when a Lot in a C-2 District rears upon a lot in any C- or M- District, whether across an alley or not.

SECTION 11. M INDUSTRIAL DISTRICT

The following regulations shall govern except as otherwise provided in Section 12 herein.

SECTION 11.1. USES PERMITTED

1. All uses permitted in the C-2 District, except that shall be the declared intent and purpose of the M District

to promote commercial and industrial enterprises, and to discourage residential building and residential subdivisions in the M District.

2. Any other use not otherwise prohibited by law, except that the following uses, which shall be presumed to be possibly detrimental to the public health, safety or welfare within the present limits of the City of Lodi, may be permitted in the M District only after securing a use permit which can be granted only after a public hearing upon a particular application:

Uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, or vibration, such as the following:

- Arsenal, bag cleaning, blast furnace, boiler works, central mixing plant for concrete cement, mortar, plaster or paving materials. Curing, tanning or storage of raw hides or skins, distillation of tar, drilling for or removal of oil, gas or other hydrocarbon substances.
- Fat rendering, forge plant, foundry or metal fabrication plant, garbage, offal or dead animal, reduction or dumping, hog farm. Junk yard or the ~~hauling~~ of junk or rags, except in a building enclosed on all sides or when completely within a fence,
- Planing mill except as part of lumber yard.
- Pumping, refining or wholesale storage of crude petroleum.
- Reduction, canning, processing or treatment of fish or animal products.
- Sawmill, slaughtering of animals (except poultry and rabbits).
- Smelting of copper, iron, tin, zinc or other ores.
- Power plant (steam), stock yard, stone mill or quarry.
- Sugar refining, wool pulling or scouring.
- Manufacture of: acetylene, acid, alcohol or alcoholic beverages, ammonia, bleaching powder, chlorine, chemicals,

soda or soda compounds, brick, pottery, terra cotta or tile (except handcraft products only), candles (except by hand), cement, gypsum, lime or plaster of paris, disinfectants, dyestuffs, emery cloth or sand paper, explosives or fireworks (or storage of same), exterminators or insect poisons, fertilizer, glass, gelatin, grease, lard or tallow (manufactured or refined from animal fat), illuminating or heat gas (or storage of same), lamp black, linoleum, linseed oil, paint, oil, shellac, turpentine or varnish (except mixing of same), matches, oilcloth or oiled products, paper or paper p&, pickles, sauerkraut, plastics, potash products, rayon or similar products, rubber or gutta percha products (or treatment of same), glucose dextrin, stove polish, tar roofing or waterproofing or other tar products; tobacco, chewing (or treatment of same); vinegar, yeast.

Any other use which in the opinion of the Planning Commission is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or which may impose hazard to health or property.

3. Use permits shall be required for the development of any subdivision for residential purposes or for the erection of dwellings other than for the owner or caretaker of properties in the Industrial District.

SECTION 11.2. HEIGHT AND AREA

1. Building Height; Limit: Same as in the C-2 District.
2. Building Site Area Required: Same as in the C-2 District.

SECTION 11.3. MINIMUM YARDS

1. The required yards shall be the same as in the C-2 District.

SECTION 12. GENERAL PROVISIONS AND EXCEPTIONS

The regulations specified in this ordinance shall be subject to the following general provisions and exceptions,

SECTION 12.1. USES

The following accessory uses, in addition to those uses hereinbefore specified, shall be permitted in any "R" District, provided that such accessory uses do not alter the character of the premises with respect to their uses for the purposes permitted in such respective districts:

1. The renting of rooms and/or the providing of table Board in a dwelling, but not to the extent of constituting a Motel, unless permitted in the district.
2. The operation of necessary facilities and equipment; in connection with schools, colleges, hospitals and other institutions permitted in the respective districts.
3. Recreation, refreshment and service buildings in public parks and playgrounds.
4. Signs not exceeding six (6) square feet in area and pertaining to the lease, hire or sale of a building or premises when located at least the same distance from the front of the lot as specified for the front yard of the district in which it is located. The erection or maintenance of all other signs pertaining to sales, leases, or directional or informational service shall be subject to securing a use permit, specifying size, location, type and length of time to be maintained.
5. Chicken hens, pigeons, rabbits, guinea pigs or similar animals not exceeding twelve (12) in number on any lot of less than one-half ($\frac{1}{2}$) acre in area may be kept in any "R" District purely for home consumption and not for commercial purposes, subject to the provisions of other laws or ordinances. On lots exceeding one-half ($\frac{1}{2}$) acre in area the commercial production of such livestock may be permitted after securing

a use permit; provided that no such livestock shall be maintained closer than forty (40) feet to any dwelling now existing ~~or~~ hereafter erected, and that such livestock shall be kept in pens ~~or~~ structures approved by the Health Officer.

SECTION 12.2. AUTOMOBILE PARKING SPACE

The following regulations shall apply to the provisions for off-street parking accommodations for certain uses in their respective districts when a new building is erected ~~or~~ added to in number of units, ~~or~~ in seat capacity, ~~or~~ in floor area, as the case may be.

1. Dwellings: ~~All~~ single and multiple family dwellings shall provide at least one (1) parking space for each dwelling unit, which space shall be on the same lot or within 100 feet thereof.

2. Lodging Houses: All lodging houses shall provide at least one (1) parking space ~~for~~ each two (2) guest rooms, which space shall be on the same lot ~~or~~ within 100 feet thereof.

3. Automobile Courts: All automobile courts shall provide at least one (1) parking space for each unit including manager's quarters, which space shall be on the same lot.

4. Hotels: All hotels shall provide at least one (1) parking space for each guest room, except that hotels having more than twenty (20) guest rooms need provide only one (1) parking space ~~for~~ each four (4) rooms in excess of the first twenty (20) rooms, which space shall be on the same lot ~~or~~ within 500 feet thereof.

5. Clinics, Professional and Business Offices: All clinics, professional and business offices shall provide at least one (1) parking space for each 250 square feet in the building, which space shall be on the same lot or within 100 feet thereof.

6. Hospitals and Sanitariums: All hospitals and sanitariums shall provide at least one (1) parking space for each 750 square feet in the building, which space shall be on the same lot or within 100 feet thereof.

7. Mortuaries and Funeral Homes: All mortuaries and funeral homes shall provide at least one (1) parking space for each thirty (30) square feet in the auditorium. All parking space provided shall be on the same lot or within 100 feet thereof.

8. Churches: All churches shall provide at least one (1) parking space for each forty (40) square feet in the auditorium, which space shall be on the same lot or within 100 feet thereof.

9. Schools: All elementary schools shall provide at least one (1) parking space for each classroom, and all high schools shall provide at least five (5) parking spaces for each classroom, which space shall be on the same lot or within 100 feet thereof.

10. Theaters and Auditoriums: All theaters and auditoriums shall provide at least one (1) parking space for each four (4) seats, which space shall be on the same lot or within 100 feet thereof.

11. Commercial Buildings: All buildings for retail commercial purposes, excepting grocery stores, shall provide at least one (1) parking space for each 500 square feet, which space shall be on the same lot or within 500 feet thereof, Grocery stores shall provide at least one (1) parking space for each 250 square feet, which space shall be on the same lot or within 500 feet thereof. In addition, each building shall provide loading area or area sufficient for its purpose, completely off-street.

12. Warehouses, Industrial and Manufacturing: All buildings in "M" Districts for warehousing, processing, manufacturing, or other industrial purposes shall provide at least two (2) parking spaces for each three (3) employees or one (1) space for each 1500 square feet in the building, whichever is the greater, which space shall be on the same lot or within 500 feet thereof. In addition, each building shall provide loading area or areas sufficient for its purpose, completely off-street.

13. All off-street parking space as required above shall be in accordance with the following:

(a) For dwellings the space provided shall be surfaced or otherwise improved.

(b) For Section 12.2 through 12.12 above, the provided parking space shall be paved with 2 inches of plant mixed surfacing and marked into the required number of stalls of ample size and with adequate aisles for convenient access and egress, as approved by the City Engineer in accordance with the standards recommended by the Institute of Traffic Engineers.

14. General Parking Regulations: The following regulations shall also apply to the requirements in Section 12.2 through 12.12 above pertaining to off-street parking and the designation of such parking spaces:

(a) Parking Needs: These provisions are considered to be the average minimum needs for off-street parking, but in all cases the Planning Commission shall give due consideration to the parking needs of particular types of buildings, herein referred to, to the end that sufficient off-street parking may be provided in the vicinity of the respective establishments.

(b) Interpretation of Requirements: The above provisions shall be interpreted to be applicable to all new buildings hereafter erected and to the enlargement of existing

buildings except that in the case of such buildings to be hereafter erectgd or enlarged in districts existing as of the date of passage of this Ordinance, where the adjacent or surrounding areas are already built up to such an extent that the above requirements would cause a hardship in connection with new construction, the said requirements may be reduced or waived under the provisions of Section 14 herein.

(c) Expansion of Existing Facilities Into Adjacent Areas: New accessory buildings or enlargements of existing buildings into adjacent areas shall be permitted only when at least fifty (50) percent of the parking requirements for the existing buildings are provided as required by this section of this Ordinance, and only if the complete parking requirement for the new building or enlargement is provided. In the event unusual circumstances cause a hardship in connection with this provision, the requirement may be reduced or waived under the provision of Section 14 herein.

(d) Permanence of Parking Space: After parking spaces for buildings under the above provisions have been so designated and building permits granted the said parking spaces shall be hereinafter termed as Parking Lots in whatever district they may be located, and thereafter no such Parking Lot shall be used for the location of new or enlarged buildings unless equivalent required parking spaces are provided under the provisions of this section. All off-street parking spaces now existing as of the date of passage of this Ordinance may, in the discretion of the Planning Commission with the approval of the City Council, be classed as Parking Lots and come under these provisions as to permanency for such use.

15. Off-street Parking Lots: For the purposes above set forth, the Planning Commission may permit, under the provisions of Section 14 and as an additional accessory and transitional

use, the use of any lot in any Residence District, where such lot is adjacent to a Commercial or Industrial District, but to a maximum of 100 feet therefrom, for off-street parking purposes for the sole use of customers' or employees' automobiles during normal business hours, provided that no other commercial use shall be conducted on the lot. All parking lots wherever thus provided and permitted shall be improved as provided in paragraph 13 (b) above and in addition shall provide such screening by fencing or landscaping as may be prescribed by the Planning Commission, to the end that such parking lots shall not be detrimental to residential lots in the vicinity. In the case of failure to so improve or maintain such improvements, the permission to use such lots for off-street parking purposes may be revoked by the Planning Commission. (Sec. 12.2 Amended 3/20/57, Ord. 583)

SECTION 12.3. HEIGHT AND AREA:

The following exceptions to the maximum building-height limits and minimum building-site area requirements shall be permitted:

1. Height of Buildings: Subject to any other provisions of law, certain types of structures may be built to a greater height than the limit established for the district in which such structures are located, provided that no such structure in excess of the allowable building-height limit shall be used for sleeping or eating quarters, or for any commercial purpose other than such as may be incidental to the permitted uses of the main building. Such structures are:

(a) Towers, spires, penthouses, scenery lofts, cupolas, water tanks, silos and simflar structures covering not more than fifteen (15) per cent of the ground area of buildings, including mechanical appurtenances; provided, that no building shall ever exceed a maximum height of 150 feet, except that;

this maximum shall not apply to chimneys, church steeples, flag poles, monuments or water or radio towers.

(b) Public and semi-public buildings, hospitals and other institutions when located, if permitted, in any district with a height limit of 75 feet or less, may be erected to a height not to exceed 75 feet, provided, that the front, rear and side yards shall be increased one (1) foot for each foot of building height above the height limit of the district.

2. Building-Site Area: The lot area and dimensions required in any "R" District shall not be deemed to prevent the erection of a dwelling on any "lot of record" as herein defined, provided the ownership of such lot does not include also adjacent lots or portions thereof at the time of the establishment of the district in which the dwelling is located.

SECTION 12.4. YARDS AND OPEN SPACES

The following special provisions shall be applicable to yards and open spaces heretofore specified:

1. Side Yards: For the purpose of side yard regulations any two-family or multiple-family dwelling or dwelling group shall be considered as one building occupying one lot.

2. Yards for Dwellings Above Shops: In any district other than in any "R" District the front and side yards for dwellings when located above stores or shops shall be waived, except that any yard required or provided for the store or shop shall be observed in the construction of the upper dwelling, and except as other laws provide otherwise for side yards or courts.

3. Rear Yards: In computing the depth of a rear yard for any building where such rear yard opens on any alley, not exceeding five (5) feet of the width of the alley may be considered as a portion of the rear yard. For corner or reversed corner lots which rear directly upon another lot (not across

an alley) the minimum rear yards as heretofore specified may be two and one-half ($2\frac{1}{2}$) feet less than the rear yard required for an interior lot.

1 4. Through Lots: In the case ~~of~~ through lots in any "R"
2 District no building shall be located in such manner that the
3 rear thereof is closer to either street than forty (40) feet.

4 5. Side Yards on Corner Lots: The side yards on the street
5 side of corner lots shall be as heretofore specified, but in
6 the case of reversed corner lots the side yard on the street
7 side shall be not less than one-half ($\frac{1}{2}$) of the front yard
8 required on the lot in the rear of such reverse corner lot;
9 provided, that this regulation shall not be so interpreted
10 as to reduce the buildable width of such a reversed corner
11 "lot of record" to less than twenty-five (25) feet, nor to pro-
12 hibit the erection of an accessory building where this regulation
13 cannot reasonably be complied with.

14 6. Front Yard Exceptions: Where lots comprising forty
15 (40) per cent ~~of~~ more of the frontage in a block with front
16 yards varying in depth not ~~more~~ than six (6) feet, then the
17 minimum front yard required for the remaining lots shall be
18 equal to the average of the front yard depths ~~of~~ such developed
19 lots within the six (6) foot variation; provided, that this
20 regulation shall not be so interpreted ~~as~~ to require a front
21 yard of more than thirty (30) feet, and further, that for a
22 lot, both sides of which are developed with buildings, the
23 front yard need not be more than the average of the front yards
24 of the adjoining lots. Where a building line is officially
25 established in any block, the front yard requirements shall be
26 deemed to be the distance from the said building line established.
27 In cases where no front yard is required in Commercial and
28 Industrial Districts an addition to an existing dwelling ~~for~~
29 business use ~~may~~ occupy the front yard of the said dwelling
30

7. Adjustments of Front Yards: The Planning Commission may vary or modify minimum front yard requirements at any time prior to actual construction in a given block face when it is found by the Commission that such adjustments would provide better development, providing that such adjustments are applied uniformly in any block face throughout the subdivision. Upon such application for variance, applicant shall file a map with the Commission illustrating the requested variance, (Added 6/16/54, Ord. 509)

SECTION 12.5. GENERAL YARD EXCEPTIONS: Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for certain permitted projections into the same, as follows:

1. The ordinary projections or sills, belt courses, cornices, buttresses, architectural features and eaves; provided however, that none shall extend into a minimum yard or court more than two (2) feet, or be closer to any property line than two (2) feet,

2. Uncovered porches and paved terraces extending not more than eight (8) feet into a required front yard or rear yard, nor more than three (3) feet into a required side yard or minimum court; similarly steps from the ground level to the level of the ground level of the building, or to the level of any permitted porch or paved terrace.

3. Open or enclosed fire escapes, fireproof outside stairways and balconies, extending not more than three (3) feet into a required yard or minimum court, and not closer to any property line than two (2) feet.

4. The ordinary projections of chimneys and flues where the same are placed so as not to obstruct the light and ventilation, with a minimum of two (2) feet from any property line.

5 Other customary accessory features on the lot, including
ornamental landscape features such as pergolas and lath houses;
private driveways and sprinkler systems; necessary retaining
1 walls; and hedges, fences and walls when grown or erected to
2 a maximum height of three and one-half ($3\frac{1}{2}$) feet in any required
3 front yard or street side yard or interior side yard to the
4 depth of the required front yard, and to a maximum of six (6)
5 feet in any other required yard,

6 SECTION 12.6. SPECIAL YARDS FOR DWELLING GROUPS: The
7 following additional regulations for yards and open spaces
8 shall apply to Dwelling Groups located on a lot in one owner-
9 ship.

10 1. For buildings of the group so located that the rear
11 of the building facing the street is faced by the front of the
12 next building to the rear, et seq. ("front to back" series),
13 no such building shall be closer than twenty (20) feet to any
14 other such building.

15 2. For buildings of the group so located that the rears
16 thereof abut upon one side yard and the fronts thereof abut
17 upon the other side yard (single row "side to side" series),
18 the required width of the former side yard shall be increased
19 one (1) foot, and the required width of the latter side yard
20 shall be at least twice the width of the former side yard,
21 with a minimum of ten (10) feet.

22 3. For buildings of the group so located that the rears
23 thereof abut on both side yards and the fronts thereof face a
24 court; (double row "side to side" series), the required width of
25 both side yards shall be increased as in 2 above, and the width
26 of the court shall be two and one-half ($2\frac{1}{2}$) times the width of
27 the greater of the above side yard (in case they differ), with
28 a minimum width of sixteen (16) feet.

29 4. For buildings of the group so located that the rear
30 or front of one building faces the side of another building
31

(arranged "side to front or to rear"), the minimum distance between such buildings shall be twenty (20) feet.

5. For buildings arranged "side to side" no building shall be closer than ten (10) feet to any other building on the same lot.

6. Each lot upon which a dwelling group is constructed shall have a rear yard of at least ten (10) feet, except that for corner or reversed corner lots, or for interior lots rear- ing upon an alley, such required rear yard may be reduced to minimum of five (5) feet, provided that no building of the group faces or rears upon such reduced minimum rear yard.

SECTION 12.7. ACCESSORY BUILDINGS: Such buildings may occupy portions of lots and/or yards, or may be attached to the main building, and the following regulations shall apply to the location on the lot:

1. Detached Accessory Buildings: Such buildings may occupy not more than thirty (30) per cent of the area of a required rear yard and shall not exceed twelve (12) feet in height, except that a maximum height of twenty-five (25) feet shall be permitted for the second story of a guest house as herein defined and permitted in any district, or for a dwelling in districts where a second dwelling is permitted on the lot. No accessory building shall be closer than six (6) feet to the main building, and no exterior wall of any second story of such building shall be closer than four (4) feet to any lot line or ten (10) feet to any main building on the same lot.

~~2.01~~ For Detached Accessory Buildings in the R-1, R-2 and R-3 Districts, certain additional regulations shall apply as follows:

(a) In the case of interior lots abutting upon one street only, such buildings shall not encroach upon the front half of the lot; in the case of interior through lots, such buildings

shall not encroach upon the one-quarter of the depth of the lot nearest either street provided, that these requirements shall not be deemed to require the accessory building to be farther than sixty (60) feet from any street.

(b) In the case of a corner lot such buildings shall not be closer to any street than one-half ($\frac{1}{2}$) of the lot depth (with a maximum of, sixty (60) feet required), nor closer to the side street than the width of any required yard on the street side of the lot. In the case of reversed corner lots such buildings shall not project beyond the front yard line required on the lots to the rear of said lot.

3. Attached Accessory Buildings: When accessory buildings are attached to the main building they shall be made structurally a part thereof and ~~shall~~ comply with all of the regulations of this Ordinance applicable to the main building.

SECTION 13. NON-CONFORMING BUILDINGS AND USES

The following provisions shall govern the continuance of non-conforming buildings and uses existing at the time of the passage of this Ordinance, or which may be caused by any amendments hereafter made.

SECTION 13.1. NON-CONFORMING BUILDINGS: Except as otherwise provided in this section, a non-conforming building may be maintained under the following provisions:

1. Repairs and Alterations: A non-conforming building may be repaired and altered providing that in a building which is non-conforming as to use regulations, no structural alterations shall be made except those required by other law or ordinance.

2. Additions-Enlargements-Moving:

(a) A building non-conforming as to use regulations shall not be added to or enlarged in any manner, unless such building,

including such additions and enlargements, are made to conform to all the regulations of the district in which it is located.

(b) A building non-conforming as to height or area regulations shall not be added to or enlarged in any manner unless such additions or enlargements conform to all the regulations of the district in which it is located.

(c) No non-conforming building shall be moved in whole or in part to any other locations either on the same lot or on another lot unless every portion of such building is made to conform to all the regulations of the district in which it will be located after moving.

3. Restoration of Damaged Buildings: A non-conforming building which is damaged or partially destroyed by fire or any other calamity or act of God to the extent of not more than fifty (50) per cent of its reasonable value at that time may be restored, providing the total cost of such restoration does not exceed fifty (50) per cent of the reasonable value of the building at the time of such damage. In the event such damage or destruction exceeds fifty (50) per cent of the reasonable value of such non-conforming building, no repairs or reconstruction shall be made unless every portion of such building is made to conform to all regulations of the district in which it is located.

SECTION 13.2. NON-CONFORMING USE OF BUILDINGS:

1. Continuation and Change of Use: Except as otherwise provided herein:

(a) The non-conforming use of a building which existed at the time this Ordinance became effective may be continued,

(b) The non-conforming use of a building may be changed to a use of the same or more restrictive classification. Where the non-conforming use of a building is hereafter changed to a use of a more restrictive classification, it shall not thereafter be changed to a use of a less restrictive classification,

(c) A vacant non-conforming building may be occupied by a use for which the building was designed if so occupied within a period of six (6) months after the effective date of this Ordinance, or after the date when the building became vacant.

2 2. Expansion Prohibited: A non-conforming use of a portion
3 of a building which otherwise conforms to the use regulations
4 shall not be expanded or extended into any other portion of a
5 building nor changed except to a conforming use. If such a non-
6 conforming use or portion thereof is discontinued for a period
7 of six (6) months or changed to a conforming use, any future
8 use of such building or portion thereof shall be in conformity
9 with the regulations of the district in which such building is
10 located.

11 3. Construction Begun: Nothing contained in this Or-
12 dinance shall be deemed to require any change in the plans, con-
13 struction or designated use of any building upon which actual
14 construction was lawfully begun prior to the effective date of
15 this Ordinance. Actual construction is defined as the placing
16 of construction materials in a permanent manner, excavation
17 of a basement, or demolition of existing structures preparatory
18 to rebuilding, provided that in all cases construction work shall
19 be diligently carried on until completion of the building involved.

20 4. Declaration of Conformity: Any use of a building for
21 which a use permit is required or for which a use permit may be
22 granted, as provided in this Ordinance, which use is existing
23 at the time of adoption of this Ordinance in any district in
24 which such use is permitted subject to the securing of a use
25 permit, shall without further action be deemed to be a conform-
26 ing use in such district.

27 SECTION 13.3. NON-CONFORMING USE OF LAND:

28 1. Continuation of Use: The non-conforming use of land,
29 except as otherwise hereinafter provided, which existed at the
30 time this Ordinance became effective, may be continued, provided:
31

(a) That no such non-conforming use of land shall in any way be expanded or extended either on the same or on adjoining property.

1 (b) That if such non-conforming use of land or any portion
2 thereof is discontinued for a period of six (6) months or changed,
3 any future use of such land shall be in conformity with the regu-
4 lations of the district in which it is located.

5 2. **Junk Yards:** Regardless of any other provisions of this
'Ordinance, any junk yard, as herein defined, which exists as a
7 non-conforming use in any R- District shall be changed to a con-
8 forming use or removed within one (1) year after the effective
9 date of this Ordinance. Similarly, any junk yard which exists
10 as a non-conforming use in any other district, other than an
11 R- District, shall within one (1) year after the effective date
12 of this Ordinance be removed, be changed to a conforming use or
13 be completely enclosed within a building or within a continuous,
14 solid fence not less than eight (8) feet high approved by the
15 Planning Commission so as to completely screen all the operations
16 of such junk yard.

17 SECTION 14. ADJUSTMENTS AND USE PERMITS

18 Pending the establishment of a separate body, or as other-
19 wise hereafter provided by law, the Planning Commission is here-
20 by designated as a zoning commission under the provisions of the
21 Zoning Law of 1917 as amended, for the purpose of acting on
22 variances (hereinafter termed adjustments) and use permits under
23 the procedure set forth herein.

24 SECTION 14.1. PLANNING COMMISSION POWERS:

25 1. General: As a zoning commission the Planning Commission
26 shall have the power to grant adjustments and use permits as
27 hereinafter provided. All actions of this body in acting on
28 such matters shall be deemed to be administrative and not leg-
29 islative, and the decisions of the Planning Commission as to
30 such adjustments and use permits shall be final, subject to
31 appeal to the City Council as hereinafter provided.

2. Zoning Committee: The Planning Commission shall be further empowered, in performing the functions set forth in this section, to authorize and appoint a Zoning Committee consisting of not less than three members of said Commission, and to delegate to said Zoning Committee the powers and duties provided for in this section, and to adopt such rules and regulations for the guidance of this Committee as may be necessary and not inconsistent with the general laws of the State or the provisions of this Ordinance.

SECTION 14.2. ADJUSTMENTS:

1. Hardships: In specific cases where it is exceptionally difficult if not impossible to comply with the exact provisions of this Ordinance, the Planning Commission shall have the power to allow such adjustments from the provisions contained herein as will prevent unnecessary hardships or injustice, and at the same time most nearly accomplish the general purpose and intent of this Ordinance.

2. Specific Powers: The powers granted under this section shall not include the changing of any district classification or any provisions of this Ordinance except as hereinafter provided, but shall be to the extent of the following and no more:

(a) To interpret the provisions of this Ordinance.

(b) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the enforcing authority in enforcing this Ordinance.

(c) To vary or modify or adjust the strict application of any of the regulations or provisions contained in this Ordinance in cases where there are practical difficulties or unnecessary hardships in the way of strict application.

(d) To permit the extension of a use for not more than fifty (50) feet into a more restricted district where the boundary line thereof divides a "lot of record" as herein defined,

(e) To permit the reconstruction, alteration, and/or enlargement of a building in which a non-conforming use is conducted, or the alteration or enlargement of a non-conforming use, when such changes will be of distinct benefit to the district in which such building or use is located.

SECTION 14.3. **USE PERMITS:**

1. Issuance: Use permits may be issued for any of the uses or purposes for which such use permits are required or permitted by the provisions of this Ordinance, and for any of the following specific uses in any district established by this Ordinance.

(a) Public utility or public service buildings when found to be necessary for the public health, safety, convenience or welfare,

(b) Commercial excavating of natural materials for building or construction purposes.

(c) To classify as a conforming use any institutional use existing at the time of adoption of this Ordinance.

(d) To permit the location of any of the following uses in a district from which they are excluded by the provisions of this Ordinance: Airport, Library, Community Center, Hospital, Church, Institutions of an educational or charitable nature, Cemetery, Crematory, Mausoleum and any other place for the disposal of the human dead.

(e) A temporary building for commerce or industry in a dwelling district for a period of not more than one year, which use is incidental to the residential development of the district,

(f) A storage garage or open air parking space in any multiple-family residence district when deemed necessary for the public convenience.

SECTION 14.4. **PROCEDURE:**

1. Application: Any application for an adjustment or use permit shall be made to the Planning Commission in the form of a

written application for a building permit or a permit to use the building and/or premises for the purposes and in the manner as set forth in the application. The said application shall clearly
1 state all details of the proposed construction or use, including
2 information as to special circumstances, necessity, desirability
3 and effect upon neighboring property and inhabitants.

4 2. Consideration: The Planning Commission or its appointed
5 zoning committee shall consider said application not later than
6 at its next regular meeting, and may, in its discretion, order
7 one or more public hearings on any application, in which case
8 due notice shall be given at least ten (10) days prior to any
9 public hearing as provided by law, and such other notice as the
10 Commission may order. Before such notice of public hearing,
11 however, the applicant shall deposit with the Planning Com-
12 mission a fee of \$10.30, or such other sum as set forth in
13 other city ordinances, no part of which is returnable. At
14 least one public hearing shall in any case be held on any appli-
15 cation for a use permit for any use listed in sub-section (d)
16 of Section 14.3 herein.

17 3. Action by Planning Commission: In granting any adjust-
18 ment the Planning Commission shall find that said adjustment
19 will relieve an unnecessary hardship or practical difficulty
20 that would otherwise be caused by the application of the strict
21 letter of the ordinance and that said adjustment will not be
22 contrary to the public welfare. In granting any use permit the
23 Planning Commission shall find that the establishment, maintenance
24 and/or conducting of said use will not, under the circumstances
25 of the particular case, be detrimental to the health, morals,
26 comfort or welfare of persons residing or working in the neigh-
27 borhood of said proposed use, or to property or improvements in
28 said neighborhood, or will not be contrary to the general public
29 welfare.

4. Conditions: In acting upon any adjustment or use permit, the Planning Commission may designate such regulations as a condition of the action as may be deemed necessary for the protection of the general public welfare, any violation of which regulations shall automatically invalidate the adjustment or use permit as the case may be. Adjustments and use permits shall be granted to applicant only; are not transferable by said applicant and may be limited as to its duration upon the discretion of the Planning Commission.

SECTION 14.5. REPORT AND APPEAL TO THE CITY COUNCIL:

1. Report: Any and all actions and decisions of the Planning Commission in connection with adjustments or use permits shall be reported in writing to the City Council.

2. Appeal: Any applicant or person claiming to be directly and adversely affected by any action of the Planning Commission on matters referred to in this section may, within five (5) days after said action, file a written appeal with the City Clerk for transmittal to the City Council. The said appeal shall stay the issuance of any permits in connection with the action pending the decision of the City Council.

3. City Council Action: Upon the receipt of any such appeal, the City Council shall, after receiving a report from the Planning Commission, and after at least one public hearing on the case as provided by law, render a decision sustaining, amending or overruling the section of the Planning Commission on said case.

SECTION 15. BUILDING PERMITS AND PLATS

Before beginning construction work on a new building or on alterations or enlargements of an existing building or on removal of any building, an application for a permit for the same shall be made to the Building Inspector.

SECTION 15.1. PLAT: Such application shall be accompanied by a drawing or plat, drawn to scale and submitted in duplicate,

showing the lot and building site, the proposed location of the building on the lot, accurate dimensions of the building, the yards and the lot, and such other information as may be required for the proper enforcement of the regulations of this Ordinance+

A careful record of the original copy of such application and plat shall be kept in the office of the Building Inspector, with a duplicate copy thereof kept at all times at the building.

SECTION 15.2. ZONING REGULATIONS: All such applications and drawings therewith shall be checked as to compliance with all of the regulations of this Ordinance, and the City Council may require that the said documents be submitted to representatives of the Planning Commission designated for that purpose for their approval before a permit is issued.

SECTION 16. CERTIFICATE OF OCCUPANCY

No vacant land shall be used or occupied, except for agricultural purposes, and no building hereafter erected, structurally altered or moved shall be occupied or used until a certificate of occupancy shall have been issued by the Building Inspector.

SECTION 16.1 LAND: A certificate of occupancy for the use of vacant land or for a change in the character of the use of land, as herein provided, except for agricultural purposes, shall be applied for before such land shall be occupied or used. The said certificate shall be issued within three (3) days after the application has been made, provided such use is in conformity with the provisions of this Ordinance.

SECTION 16.2. BUILDINGS: A certificate of occupancy for a new building or the alteration, conversion or reconstruction of an existing building shall be applied for coincidentally with the application for a building permit. Such certificate shall be issued, if after inspection it is found that such building complies with the provisions of this Ordinance and all other requirements of law or ordinance applicable thereto. A temporary

certificate may be issued for the temporary use of a portion of the building prior to the completion and occupancy of the entire building, provided that such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

SECTION 16.3. STATEMENTS IN CERTIFICATE: The certificates of occupancy shall state that the building or proposed use of a building and/or land complies with all building and health laws and with this Ordinance. Copies of said certificates shall be kept on file in the office of the Building Inspector for public inspection, with copies of the same furnished, on request, to any person having a proprietary or tenant interest in the building. No fee shall be charged for a certificate of occupancy,

SECTION 17. APPROVAL OF PLANS

The following regulations shall apply to all buildings requiring the securing and issuance of use permits in any Residential District, and to all buildings in the Multiple-Family District and the Commercial and Industrial Districts.

SECTION 17.1. SCOPE AND INTENT: In case of an application for a building to be erected or altered in districts hereinabove referred to, the City Council or the Planning Commission may require that said application shall be accompanied by drawings or sketches showing all elevations of the proposed building. Upon being filed, such drawings shall be submitted forthwith to the Planning Commission. The said body shall at its next regular meeting consider the case in an endeavor to provide that the City shall develop in an orderly and harmonious manner, and that buildings shall be so designed and constructed that they will not be of unsightly or obnoxious appearance to the extent that they will impair the desirability of living conditions in the same or adjacent residential districts, depreciate the value of property and adversely affect the general prosperity and welfare.

To this end, the Planning Commission shall suggest any changes in the plans and elevations of such proposed buildings as it may deem necessary to accomplish the purposes of this section, and shall not approve such plans until it is satisfied that such purposes will be accomplished thereby. For buildings requiring use permits such suggestions may be made mandatory as part of the conditions for the issuance of the use permit, as provided herein.

SECTION 17.2. APPEAL TO CITY COUNCIL: In case the applicant is dissatisfied with the action of the Planning Commission, he may within twenty (20) days after receipt of written notice from the Planning Commission appeal in writing to the City Council. The City Council shall hold a public hearing upon said appeal, with due notice as provided for appeals on adjustments and use permits, and render its decision within forty (40) days after the filing thereof. If the City Council shall approve the action of the Planning Commission, the applicant may file with the Planning Commission a notice of intention to proceed with the construction of the building, and file a copy of such notice in the office of the Building Inspector.

SECTION 17.3. FINAL ACTION: No building permit for any building coming under the provisions of this section shall be issued unless the plans thereof shall first have been approved by the Planning Commission or by the City Council, or until thirty-five (35) days shall have elapsed from the date of the filing of such notice to build. Upon such approval or at the expiration of such thirty-five (35) days, the Building Inspector shall issue a permit for said building, provided that all other provisions of law have been complied with, and except as otherwise herein provided for buildings requiring use permits.

SECTION 18. AMENDMENTS

Whenever the public necessity, convenience, general welfare, or good zoning practice may require, the City Council may by ordinance] after report thereon by the Planning Commission and subject to the procedure provided in this section, amend, supplement or change the regulations, district boundaries, or classifications of property now or hereafter established by ordinance.

SECTION 18.1. INITIATION: An amendment, supplement or reclassification may be initiated by the City Council, the Planning Commission or by petition of one or more property owners within the area directly affected by the proposed amendment, supplement or reclassification. Petitions for any change of district boundary or property reclassification shall be filed with the city clerk on prescribed forms and accompanied by such data and information as may be required for that purpose by the Planning Commission. The said petitioner shall also deposit a fee of \$20.00, or such other sum as prescribed by other ordinances] no part of which is returnable. All petitions or City Council resolutions regarding such changes shall be referred to the Planning Commission for report and recommendation thereon.

SECTION 18.2. PLANNING COMMISSION ACTION: At its next regular meeting the Planning Commission shall conduct such investigation as may be prescribed and may, in its discretion, order such public hearings on the proposed changes as are required by law, due notice of which shall be given as prescribed for public hearings before the City Council. After such investigation and at least one public hearing, the Planning Commission shall, within such time limits as are prescribed by law, submit its report to the City Council recommending approval or disapproval of such proposed changes, together with a written statement of its reasons for such action.

SECTION 18.3. CITY COUNCIL ACTION: If the report of the Planning Commission recommends approval of the proposed changes,

the City Council shall hold a public hearing thereon, due notice of which shall be given by at least one publication in the officially designated newspaper at least ten (10) days prior to the said hearing, and by such other means as the Council may prescribe.

After such hearing the City Council may by ordinance effect such proposed amendments, supplement or reclassification or any portion thereof, except as otherwise provided hereinafter in case of sufficient protest against such changes.

SECTION 18.4. APPEAL: If the report of the Planning Commission recommends disapproval of the proposed changes or amendment or reclassification, the applicant upon notification of such action may, within twenty (20) days thereafter, appeal to the City Council. After a public hearing with due notice as provided herein and after further reference to the Planning Commission for a supplementary report, the City Council may by a four-fifths (4/5) vote of the entire Council, grant any appealed application and adopt by the said vote an ordinance effecting such proposed changes or portions thereof

SECTION 18.5. PROTEST: If at the time of any public hearing before the City Council as above provided a protest against such proposed amendment, Supplement or reclassification is presented, duly signed and acknowledged by the owners of twenty (20) per cent or more of the owners of the frontage of property which will be directly affected by the proposed amendment, supplement or reclassification, or by the owners of twenty (20) percent or more of the frontage of property which is immediately adjacent thereto, either in the rear, on the sides or across the street or alley, no such amendment, supplement or reclassification shall be adopted except by the same vote of the City Council as provided for herein in case of disapproval by the Planning Commission. For the purposes of this section it shall be deemed that those property owners within a radius of 300 feet of an area proposed to be changed shall be directly affected.

SECTION 19. RULES AND REGULATIONS

The Planning Commission shall adopt such rules and regulations as may be required for its conduct and the performance of its duties as prescribed by law and the provisions of this Ordinance. In such rules shall be prescribed the form and scope of petitions and applications provided for in this Ordinance, and of accompanying data to be furnished so as to secure the fullest practicable presentation of the matter involved in each case and for permanent record. Any petition for an adjustment or use permit or amendment as provided herein shall include, if so specified by the Planning Commission, a verification by at least one of the petitioners, attesting to the truth and correctness of all facts presented with the said petitions. Any such verification required shall be dated and attested before a notary public or the City Clerk.

SECTION 20. INTERPRETATION -- PURPOSE -- CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the protection and promotion of public health, safety, peace, morals, comfort, convenience and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger yards or open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this Ordinance shall govern.

SECTION 21. ENFORCEMENT--PENALTIES--LEGAL PROCEDURE

For the purpose of requiring full compliance with all of the provisions of this Ordinance the following regulations shall govern.

SECTION 21.1. ENFORCEMENT: It shall be the duty of the Building Inspector, with the aid and assistance of representatives of the Planning Commission, to enforce the provisions of this

Ordinance. All officers of the City of Lodi charged by law with the general duty of enforcing city ordinances shall enforce this Ordinance and the provisions of the same.

1 SECTION 21.2. LICENSES AND PERMITS: All departments,
2 officials and public employees of the City of Lodi, who are vested
3 with the duty and authority to issue licenses or permits where
4 required by law, shall conform to the provisions of this Or-
5 dinance, and shall issue no such License or permit for uses,
6 buildings or purposes where the same would be in conflict with
7 the provisions of this Ordinance. Licenses or permits, if
8 issued in conflict with the provisions of this Ordinance, shall
9 be null and void.

10 SECTION 21.3. PERALTIES FOR VIOLATION: Any person, firm
11 or corporation, whether a principal, agent or employee, who
12 violates, disobeys, omits, neglects or refuses to comply with
13 the enforcement of any of the provisions of this Ordinance, shall
14 be deemed guilty of a misdemeanor, and upon conviction thereof
15 shall be punished by a fine of not more than \$500.00 or by im-
16 prisonment in the City Jail for a term of not more than six (6)
17 months, or by both such fine and imprisonment. Each day a vio-
18 ✓ lation is permitted to exist shall constitute a separate offense.

19 SECTION 21.4. LEGAL PROCEEDINGS: The penalties prescribed
20 herein shall not be deemed to limit the right of the City of
21 Lodi, through its legal department as authorized by the City
22 Council upon request of the enforcing officials, to institute
23 any appropriate legal procedure as prescribed by law to restrain,
24 enjoin, correct or abate any actual or threatened violation of
25 the provisions of this Ordinance.

26 SECTION 22. CONFLICTING ORDINANCES

27 Ordinance No. 238 and all other ordinances and parts of
28 ordinances in conflict herewith are hereby repealed.
29

SECTION 23. VALIDITY

If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases should be declared invalid.

SECTION 24. ENACTMENT

This Ordinance shall be published once in the Lodi News-Sentinel and shall be in full force and take effect thirty (30) days from and after its passage and approval.

Approved this 19th day of November, 1952.

ROBERT H. RINN,

Mayor pro tem

Attest: HENRY A. GLAVES, JR.

City Clerk

I, Henry A. Glaves, Jr., City Clerk of the City of Lodi do hereby certify that the foregoing Ordinance No. 469 was regularly introduced in the City Council of said City on November 15, 1952, and was thereafter, on the 19th day of November, 1952, passed, adopted and ordered to print by the following vote:

AYES: Councilmen Preszler, Richey, Rinn, and Robinson.

NOES: Councilmen None.

ABSENT: Councilmen Haskell.

I further certify that said Ordinance No. 469 was approved and signed by the Mayor on the date of its final passage and adoption.

HENRY A. GLAVES, JR.,

City Clerk